



Entered on Docket
August 24, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining First Omnibus Objection
Of USACM Trust To Proofs Of Claim
Based Entirely Upon Investment In The
Tapia Ranch Loan**

Hearing Date: July 26, 2011

Hearing Time: 1:30 p.m.

The Court having considered the "First Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Tapia Ranch Loan ("Tapia Ranch Loan") [DE 8522] (the "Objection"); the Court having heard the Objection on July 26, 2011; appropriate notice of the Objection having been given; no responses to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed

1 on **Exhibit A** does not affect the direct lenders' right to repayment by the borrower or from
2 the collateral securing the Tapia Ranch Loan; and good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8522] is sustained; and
5 2. The claims listed on **Exhibit A** attached are disallowed in full because those
6 claims are based entirely upon an investment in the Tapia Ranch Loan.

7
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**

10
11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

- _____ This Court has waived the requirement set forth in LR 9021(b)(1).
- XXX No party appeared at the hearing or filed an objection to the motion.
- _____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:
- Counsel appearing: _____
- _____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ#018024)

Attorneys for USACM Liquidating Trust

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**USACM Trust
Tapia Ranch
Single Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount Relating to the Tapia Ranch (Castiac Partners, LLC) Loan	Approximate Amount Subject to Objection Because it Relates to an Investment In the Tapia Ranch (Castiac Partners, LLC) Loan
10725-01860	1/4/2007	Bonfiglio & Associates Ltd Pension Plan	8635 West Sahara Ave Pmb 220 Las Vegas, NV 89117	75,000.00	75,000.00
10725-01989	1/10/2007	Carlton, Daniel	6124 Kami St North Las Vegas, NV 89081	50,000.00	50,000.00
10728-00049	9/25/2006	Daniel O & Takeko Carlton Revoc Trust Dtd 4/30/97	C/O Daniel & Takeko Carlton Tee 6124 Kami St North Las Vegas, NV 89081	50,000.00	50,000.00
10725-01372	11/13/2006	Eric Noel Cartagena Trust	C/O Eric N Cartagena Tee 2066 Flag Avenue South St. Louis Park, MN 55426	50,000.00	50,000.00
10725-01114	11/9/2006	Ernest W Libman Et Al Trust	Ernest W Libman Tee 1709 Glenview Dr Las Vegas, NV 89134-6121	170,000.00	170,000.00
10725-01533	12/4/2006	Fine, Lewis H & Arlene J IRA	C/O First Trust Of Onaga KS PO Box 598 Herber City, UT 84032	44,253.44	44,253.44
10725-01535	12/4/2006	Fine, Lewis H & Arlene J IRA	C/O First Trust Of Onaga KS PO Box 598 Herber City, UT 84032	151,909.69	151,909.69
10725-00998	11/6/2006	Georges 1987 Trust Dtd 12/23/87	C/O Leonard J & Jean Georges Co-Trees 701 Rancho Cir Las Vegas, NV 89107-4619	100,000.00	100,000.00
10725-01093	11/8/2006	Hart Family Trust Dtd 8/30/99	C/O Dolores M Hart Trustee PO Box 422 Genoa, NV 89411-0442	50,000.00	50,000.00
10725-01129	11/8/2006	James L Schulte & Cynthia L Schulte	162 Obed Point Crossville, TN 38571	50,000.00	50,000.00

EXHIBIT A

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